REMARKS

This Amendment is filed in response to the Advisory Action mailed on February 6, 2006, and the Final Office Action mailed on October 19, 2001, and filed herewith a Request for Continuing Examination. All objections and rejections are respectfully traversed.

Please enter and consider the Amendment under 37 C.F.R. 1.116 filed on January 17, 2006.

Claims 1 to 31 are currently pending.

Claims 24 to 31 are added to better claim the invention.

At Paragraph 2 of the final Office Action claims 1-21 were rejected under 35 U.S.C. 102(b) as being anticipated by Yin U. S. Patent No. 5,926,458 issued July 20, 1999, hereinafter Yin.

The present invention, as set out in representative claim 1, comprises in part:

> 1. (Original) An intermediate network device for use in a computer network having a plurality of entities configured to issue requests to reserve network resources for use by traffic flows, the reservation requests specifying one or more flow parameters, the intermediate network device comprising:
>
> a traffic scheduler having one or more network resources for use in forwarding network traffic received at the device at different rates;
>
> a classification engine configured to identify network messages belonging to respective traffic flows based upon predefined criteria;
>
> a resource reservation engine in communicating relationship with the traffic scheduler and the classification engine, the resource reservation engine including a flow analyzer; and

> ***one or more sets of predefined heuristics that are accessible by the flow analyzer, wherein***
>
> ***the flow analyzer applies the one or more sets of predefined heuristics to the one or more flow parameters specified in the reservation requests, and***
>
> ***in response to the application of the one or more sets of predefined heuristics, the flow analyzer selects a queue and/or a queue servicing algorithm for assignment to the traffic flow corresponding to the reservation request.***

Furthermore, the Advisory Action stated that:

> "Applicant is arguing that Yin does not teach selecting the queue based on reservation request, flow parameter, and the set of heuristics. This limitation is not found in the claims."

Applicant respectfully urges that representative claim 1 states the limitation "selecting the queue based on reservation request, flow parameter, and the set of heuristics." This limitation is shown by, ***the flow analyzer selects a queue ... for assignment to the traffic flow corresponding to the reservation request.*** Furthermore, the ***flow analyzer applies the one or more sets of predefined heuristics to the one or more flow parameters specified in the reservation requests.*** Accordingly, the ***flow analyzer*** uses ***the one or more flow parameters specified in the reservation requests*** in ***the one or more sets of predefined heuristics*** to select the proper queue for the amount of ***traffic flow corresponding to the reservation request.*** In other words, the flow analyzer applies the flow parameter in the resource reservation request to the one or more rules (heuristics) to select the proper queue.

Accordingly, Applicant's claimed invention states "selecting the queue based on reservation request, flow parameter, and the set of heuristics" should be allowable.

Furthermore, as Yin does not disclose "selecting the queue based on reservation request, flow parameter, and the set of heuristics," Applicant's invention is not anticipated by Yin. Yin only determines the appropriate queue based on the smallest queue service time.

Accordingly, Applicant respectfully urges that Yin is legally precluded from anticipating Applicant's claimed novel invention under 35 U.S.C. 102 because of the absence from Yin of Applicant's claimed novel use of ***one or more sets of predefined heuristics that are accessible by the flow analyzer, wherein the flow analyzer applies the one or more sets of predefined heuristics to the one or more flow parameters specified in the reservation requests, and in response to the application of the one or more sets of predefined heuristics, the flow analyzer selects a queue and/or a queue servicing algorithm for assignment to the traffic flow corresponding to the reservation request.***

All independent claims are believed to be in condition for allowance.

All dependent claims are dependent from independent claims which are believed to be in condition for allowance. Accordingly, all dependent claims are believed to be in condition for allowance.

Favorable action is respectfully solicited.

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Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

Shannen C. Delaney
Reg. No. 51,605
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500